

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOSEPH IGNATIUS AITCHESON,
Petitioner,

v.

CIVIL ACTION NO. 15-11123-NMG

U.S. ATTORNEY ERIC H. HOLDER, JR.
ET AL.,

Respondents.

MEMORANDUM AND ORDER

GORTON, D.J.

On April 24, 2015, this Court issued a Memorandum and Order (Docket No. 11) denying petitioner's Motion for Leave to Proceed *in forma pauperis* (Docket No. 10) because his motion was not accompanied by a certified inmate account as directed. The Memorandum and Order also directed the respondent to provide a Status Report indicating whether travel documents had been obtained for petitioner's removal to Jamaica, or whether travel documents would be obtained in the foreseeable future.

On April 27, 2015, the respondent filed a Status Report (Docket No. 13) indicating that travel documents had not yet been obtained; however, it anticipated that removal would be effected within the foreseeable future.

Accompanying the Status Report, respondent filed a Motion to Dismiss (Docket No. 14) and a Memorandum in Support (Docket No. 15), including a Declaration of Assistant Field Officer Director James E. Brown, in which he avers that, based on his experience, he believed the issuance of a travel document and subsequent removal of the petitioner was "significantly likely in the reasonably foreseeable future." Declaration (Docket No. 15-1 at 3). Further, he

stated that the ICE Office of Chief Counsel had filed a motion with the Boston Immigration Court to afford petitioner an individualized and discretionary custody hearing pursuant to 8 U.S.C. § 1226(a). Id. After several continuances, the Immigration Judge set a \$20,000.00 bond as a condition for the release of the petitioner from ICE custody. The respondent argues that in light of these representations, petitioner has not met his burden to show that removal is not reasonably foreseeable and that his custody is in violation of his due process rights.

CONCLUSION AND ORDER

For the failure of petitioner to satisfy the filing fee requirements of this Court, and for the reasons set forth in the respondent's Motion to Dismiss and Supporting Memorandum representing that removal of the petitioner is reasonably foreseeable, the Court GRANTS the Motion to Dismiss (Docket No. 14).

This action is hereby DISMISSED without prejudice to the petitioner's renewal of a § 2241 habeas petition in the District to which he is transferred if he is not removed in the reasonably foreseeable future.

SO ORDERED.

/s/ Nathaniel M. Gorton
NATHANIEL M. GORTON
UNITED STATES DISTRICT JUDGE

DATED: April 30, 2015